



12 JUL 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of RYHMAN	:	
U.S. Application No.: 10/019,228	:	DECISION
Int. Application No.: PCT/SE00/01163	:	
Int. Filing Date: 06 June 2000	:	
Priority Date: 29 June 1999	:	
Attorney Docket No.: 0104-0374P	:	
For: HOSE	:	

This is in response to applicant's letter filed 15 March 2002, which is being treated as a request to treat the accompanying declaration as having been originally filed on 23 January 2002.

BACKGROUND

On 06 June 2000, applicant filed international application PCT/SE00/01163, which claimed priority of an earlier Sweden application filed 29 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 04 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 16 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 December 2001 (29 December 2001 was a Saturday).

On 28 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 05 March 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 March 2002, applicant filed the present request along with a copy of a return postcard receipt.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 23 January 2002. Specifically, the copy of the return postcard, which includes an "Executed Declaration" in its itemized contents and which bears a USPTO date stamp of 23 January 2002, serves as *prima facie* evidence that the declaration was received by the USPTO on 23 January 2002.

CONCLUSION

For the reasons above, the present request is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 05 March 2002 is hereby VACATED.

The present application has an International Filing Date of 06 June 2000 and a date under 35 U.S.C. 371 of 23 January 2002.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459